

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Consideration of a Use Permit to allow for a Jack in the Box restaurant within the Safeway at Canyon Trails commercial center (Pad E, Lot 7) located on the northwest corner of Van Buren Street and Estrella Parkway (Case U-01-04).

STAFF PRESENTER: Steve Careccia, Planner II

COMPANY CONTACT: Steve Schneider,
Lyons, Warren, and Associates, Inc.

RECOMMENDATION:

City Council approve a Use Permit to allow for a Jack in the Box restaurant within the Safeway at Canyon Trails commercial center (Pad E, Lot 7) located on the northwest corner of Van Buren Street and Estrella Parkway. Approval is subject to the following conditions:

1. The development shall comply with all applicable City Codes and Ordinances;
2. Approval of the Use Permit does not constitute approval of the conceptual site plan, landscaping, or building elevations submitted with this application;
3. All future development is subject to Site Plan Review and approval by City staff. At which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, infrastructure, parking, access and circulation;
4. Compliance with the Canyon Trails Final PAD, approved Safeway at Canyon Trails design guidelines, and the commercial development standards outlined in Article 3 of the Zoning Ordinance;
5. Developer shall provide for the dedication of any necessary easements, in form and substance acceptable to the City Engineer, prior to issuance of any construction permits on the subject property;
6. Compliance with the City of Goodyear Engineering Design Guidelines for all public works construction;
7. Compliance with the approved Comprehensive Sign Program for Safeway at Canyon Trails and the City of Goodyear Zoning Ordinance provisions associated with temporary signs and/or banners;
8. The completion of required onsite water and sewer infrastructure to serve the subject property prior to issuance of a Certificate of Occupancy. A minimum water supply of 1500 gpm is required to meet the fire flow requirements for this development. Evidence of such minimum water supply shall be submitted with the Site Plan for Fire Department review;

9. The underground placement of all utilities within and abutting the subject property prior to issuance of construction permits, excluding power lines of 69 kV or larger;
10. Approval and installation of fire hydrant locations and access by the Fire Chief prior to vertical construction;
11. The applicant include a note upon the property deed that, "the property may be subject to attendant noise, vibrations, and dust and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from, the Phoenix-Goodyear Airport and Luke Air Force Base";
12. The subject property shall be kept weed and debris free prior to development;
13. The subject property shall have a minimum of fifteen (15) percent of the net site/lot area in landscaping acceptable to City staff; and,
14. All mechanical equipment, roof-mounted or otherwise, shall be screened from public view along all street frontages.

DISCUSSION:

Background – The subject property is located within the Safeway at Canyon Trails commercial center, which is located at the northwest corner of Estrella Parkway and Van Buren Street. The property is zoned Planned Area Development (PAD) and is a part of the larger Canyon Trails PAD. This section of the PAD is permitted commercial uses as designated in the C-2 (Community Commercial) zoning district. Drive-through restaurants and convenience uses are permitted in the C-2 zoning district with an approved Use Permit.

Staff administratively approved the master site plan for the Safeway Center on January 3, 2003 (See Attachment). The City Council approved the final plat for the Safeway at Canyon Trails on October 14, 2003. The plat included 8 lots on 15.7 acres (See Attachment).

The subject property is located within the City Center Gateway Overlay District. Due to a pre-existing development agreement, the Canyon Trails PAD is not subject to the requirements of the overlay district. The master site plan does in a large measure meet the intent of the overlay district by using the designated plant palette, providing enhanced landscaping along Estrella Parkway, incorporating pedestrian plazas, utilizing architectural guidelines for the center, and placing emphasis on the intersection corner.

City staff is currently reviewing the site plan and building elevations for the Jack in the Box restaurant. Approval of the Use Permit is required before site plan approval. The site plan will be approved administratively by staff once all requirements are met.

Land uses surrounding the subject property include the following:

- North – Canyon Trails parcel designated for commercial development
- South – Existing Safeway Fuel Center
- East – Estrella Parkway and then undeveloped property zoned AU (Agricultural Urban)
- West – Existing Safeway store and in-line shops

Details of the Request – The applicant is requesting approval of a Use Permit for a Jack in the Box restaurant with drive-through. The proposed use is represented as Pad E on the master site plan and was approved for a 4,400 square-foot building. Pad E corresponds to Lot 7 of the Safeway at Canyon Trails subdivision. Lot 7 has 36,562 square feet of area.

The conceptual site plan shows a 2,647 square-foot restaurant building located on the south half of the lot (See Attachment). Parking areas are located on the north and east portions of the lot. The drive-through lane is located on the south and west sides of the building. It will be effectively screened from public view with landscaping. The two main entrances will face north and east. This configuration is consistent with the approved master site plan for the Safeway center.

The exterior walls will consist of stucco and a slate wainscot that wraps around the entire building (See Attachment). Metal awnings are located over the windows and entrances. The proposed building materials and colors are consistent with those approved for the Safeway center.

The proposed use will have both direct and indirect access to public roads. Cross access easements provide for vehicular circulation throughout the entire center and to the vacant commercial parcel to the north.

The conceptual site plan shows 35 parking spaces for the restaurant. This number exceeds the City requirement for 20 spaces.

The restaurant will be open 24-hours a day, 7 days a week. It is anticipated that 10 employees will be present at peak hours. Deliveries will occur throughout the day. Larger deliveries will occur after peak hours, between 10 PM and 6 AM.

Findings and Analysis – The Planning and Zoning Commission and City Council must determine that the proposed use meets specific findings prior to granting a Use Permit. Section 1-2-6 of the City of Goodyear Zoning Ordinance provides that the burden of proof rests with the applicant to prove that the following findings are met.

- 1. The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare.**

The proposed use is required to proceed through the site plan review process, which will ensure that it is consistent with the approved master site plan, meets the City's development standards and design guidelines, as well as the standards established by the Canyon Trails PAD. Additionally, there are no existing or proposed residential uses adjacent to the subject property, with the nearest residential area a proposed Canyon Trails court home parcel located approximately 350 feet to the west. Given the above, the proposed use will not be detrimental to any persons residing in the area or to the general public welfare.

2. That the proposed use is reasonably compatible with uses permitted in the surrounding area.

The proposed use is located within a center designated for commercial development and it will be similar in intensity and use to the existing and planned uses within the center. Commercial uses are also planned north of the subject property. Therefore, the proposed use will be compatible with the uses permitted in the surrounding area.

Public Notice – A neighborhood meeting was held on March 24, 2004. Notices were mailed to surrounding property owners within 500 feet of the subject property. No one from the public attended the meeting. Notice of the Planning and Zoning Commission meeting was provided in the West Valley View, in a letter mailed to surrounding property owners, and with a sign posted on the property. Staff has not received any public inquires on the project to date.

Planning and Zoning Commission Action – The Planning and Zoning Commission held a public hearing on this Use Permit application at their regular meeting of April 21, 2004. No one from the public spoke for or against this item. The Commission unanimously voted to forward a recommendation of approval to the City Council (See Attachment).


FISCAL IMPACT:

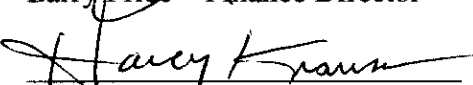
The City of Goodyear will receive construction sales tax from the construction of the facility and sales tax from the sale of food products on the premises.


REVIEWED BY:


Grant Anderson – Deputy City Manager


Jim Oeser – City Attorney


Larry Price – Finance Director


Harvey Krauss – Community Development Director


Stephen Cleveland – City Manager

PREPARED BY:


Steve Careccia – Planner II

AS NOTED

1 of 2



Sheltec Consulting Inc.
82-1 South 48th Street
Phoenix AZ USA
85044-5366
Tel. 602 438 2700
Fax. 602 431 9562
www.sheltec.com

Copyright Reserved

1	CONCRETE SURVEY TO BE INSTALLED	CONCRETE SURVEY TO BE INSTALLED
2	AS TYPE "X" P/3 WAS MET 120' -	AS TYPE "X" P/3 WAS MET 120' -
3	SURVEY MOVEMENT TO BE INSTALLED	SURVEY MOVEMENT TO BE INSTALLED
4	CORNER OF SUBSTATION	CORNER OF SUBSTATION
5	FOUND MOVEMENT AS SHOWN	FOUND MOVEMENT AS SHOWN
6	FOUND FILLER BRIDGE CAP	FOUND FILLER BRIDGE CAP
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DATE OF PLAT PREPARATION: OCTOBER 15, 2003

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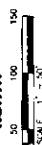


SAFEWAY INC.
2760 SOUTH PREST DRIVE
TEMPE, ARIZONA 85282
Telephone: (602) 964-4201

**FINAL PLAT FOR
SAFEWAY AT CANYON TRAILS #2610**

FINAL PLAT

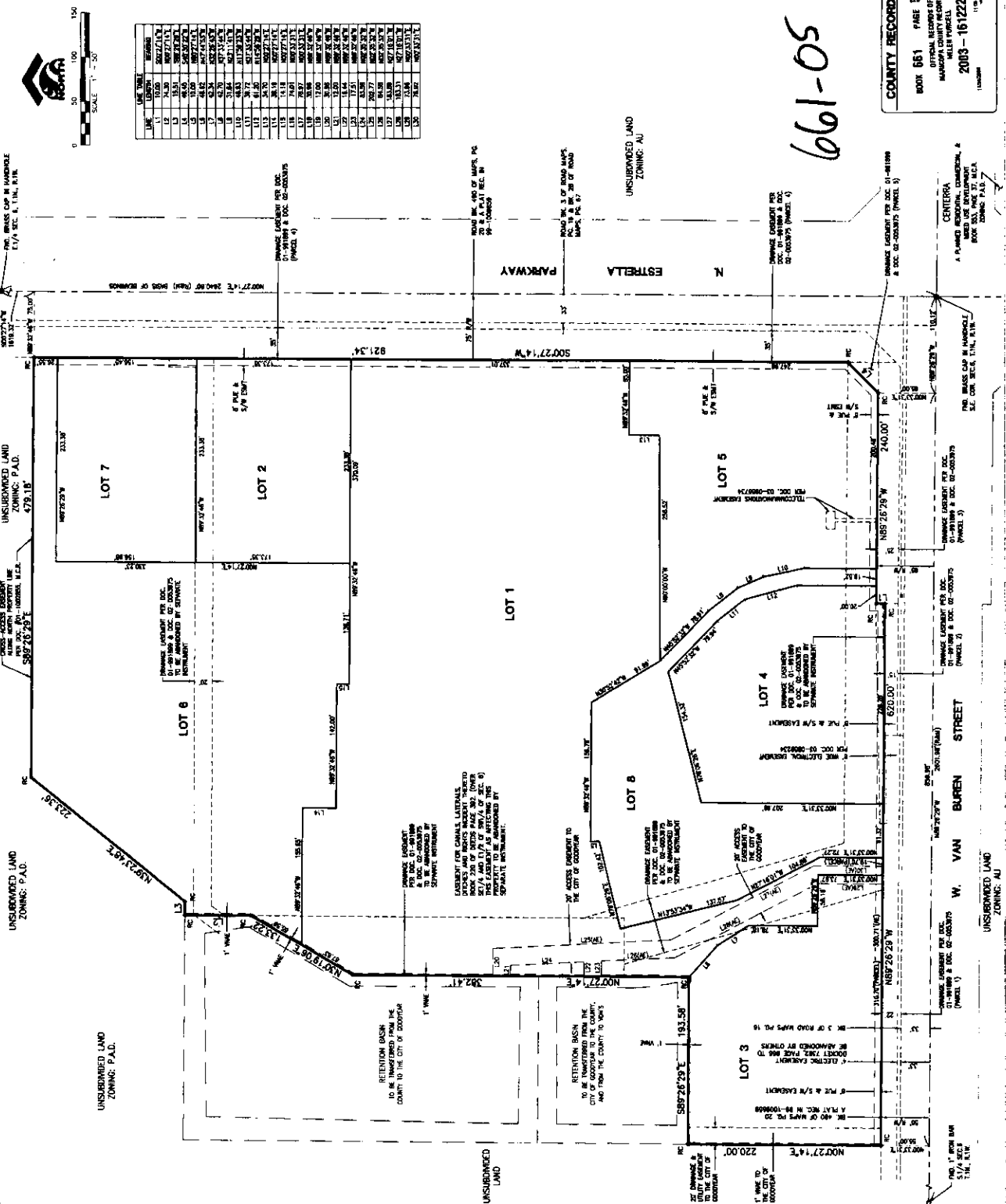
Sheet No.	Scale	Revision
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Sheet	2 of 2	0



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50	50	50.00	500.00	50.00

50-199

COUNTY RECORDER
BOOK 661 PAGE 5
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
MELAN PURCELL
2003-1612228
1 LINDSAY
11 FEB 2004



PROJECT DATA

ADDRESS: 1336
 ESTRELLA HWY & VAN BUREN ST
 SAN ANTONIO, TX 78204
 42.647 SF
 68 (PROPOSED)
 36,392 SF (EXISTING ADJACENT)
 1-4
 24' MAX
 500-15-01E

OPERATIONS:
 RESTAURANT/CAFE/DELICATESSEN
 IN LAMINATE GLASS CURTAIN WALL
 LARGEST NUMBER OF EMPLOYEES IS 16
 DELICATESSEN SHALL OBTAIN NEIGHBORHOOD MAY
 CAMEL REQUIRED BY THE CITY

PARKING REQUIREMENTS

THE CITY OF SAN ANTONIO HAS THE FOLLOWING
 1 SPACE PER 150 SF OF RETAIL / 100 SF OF OFFICE / 100 SF OF SPACE RATIO
 TOTAL PARKING REQUIRED: 23 SPACES
 ACCESSIBLE PARKING PROVIDED: 3 SPACES
 STANDARD PARKING PROVIDED: 20 SPACES
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 ACCESSIBLE PARKING PROVIDED: 3 SPACES
 STANDARD PARKING PROVIDED: 20 SPACES

PREPARED BY

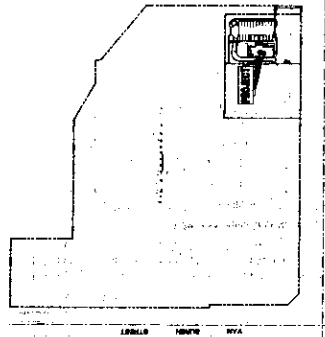
LYONS, WARRINER & ASSOCIATES, INC.
 14000 Highway 240, Suite 200
 San Antonio, TX 78240
 Tel: (202) 331-8888
 FAX: (202) 331-8888

ZONING

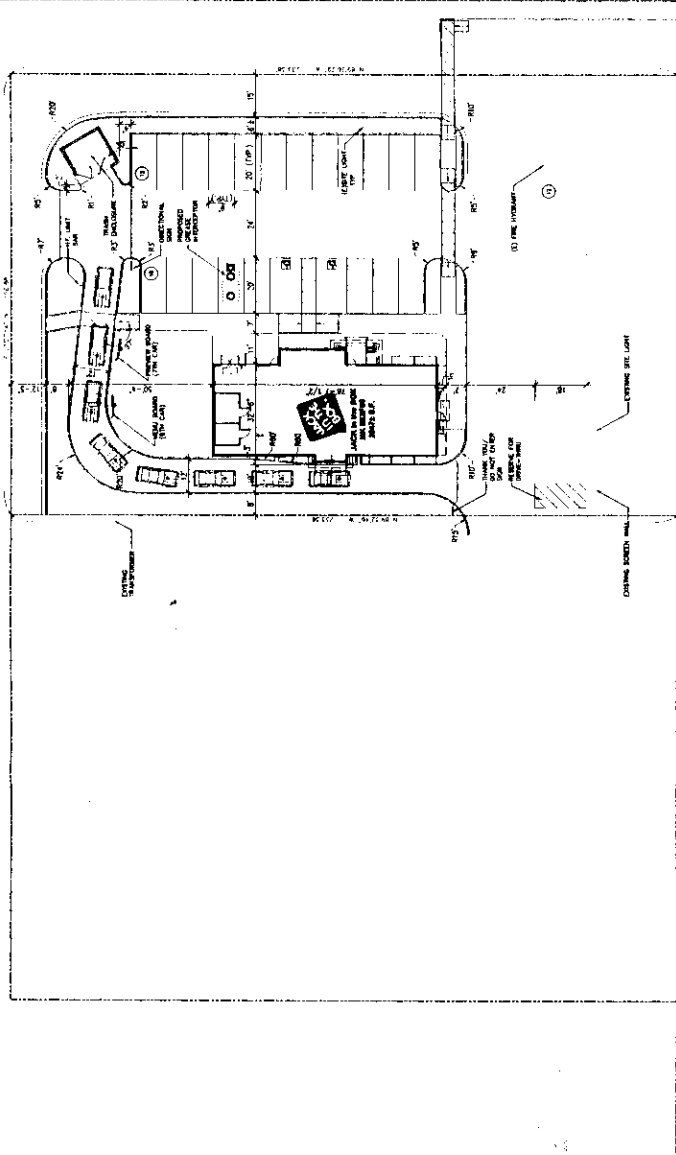
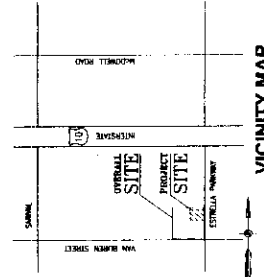
PB (COMMERCIAL) C-2

LEGAL DESCRIPTION

LOT 7 OF MARYANN CENTER CITY CENTER TRACT, 1975, ACCORDING TO PLAN OF RECORD IN THE
 OFFICE OF THE COUNTY CLERK OF BARRON COUNTY, ARIZONA, BOOK 461 OF MAPS PAGE 5



KEY MAP



ESTRELLA

PARKWAY

Submitted: 2/14

Date: 3-19-04

U-1-04

SITE NOTES:

1. ALL SERVICES TO BE CONSTRUCTED AND SHALL REQUIRE A SEPARATE PERMIT AND APPROVAL.
2. ALL SERVICES TO BE CONSTRUCTED AND SHALL REQUIRE A SEPARATE PERMIT AND APPROVAL.
3. TO BE COMPLETED AND SHOWN TO THE PUBLIC WORKS TO A CERTIFICATE OF OCCUPANCY FOR THE JUNE 1, 2004.

SITE PLAN

SCALE: 1" = 10'



SD1.0

1336
 ESTRELLA HWY & VAN BUREN ST
 SAN ANTONIO, TX 78204
 42.647 SF
 68 (PROPOSED)
 36,392 SF (EXISTING ADJACENT)
 1-4
 24' MAX
 500-15-01E

RELEASE	DATE
PERMIT ONLY	DATE
PERMIT	DATE
CONSTRUCTION	DATE
COMPLETION	DATE
REVISIONS	DATE
DATE	DATE

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9330 BALBOA AVENUE
SAN DIEGO, CA 92123

© 1999 Jack in the Box Inc.

These drawings and specifications
are the property of Jack in the Box Inc.
and shall not be copied or reproduced
without its previous written consent.

dates

RELEASE: _____
P.M. (JOB ONLY): _____
PERMIT: _____
BD: _____
CONSTRUCTION: _____

revisions

△ _____
△ _____
△ _____
△ _____
△ _____
△ _____



ESTRELLA & VAN BUREN
GOODYEAR, AZ

LWA
STRUCTURAL ENGINEER
ARCHITECTS & PLANNERS
LYONS, WARREN & ASSOCIATES, INC.
9455 Elgin Court, Suite 200 San Diego, CA 92131-1648
Telephone (619) 573-8899 Fax (619) 573-8898

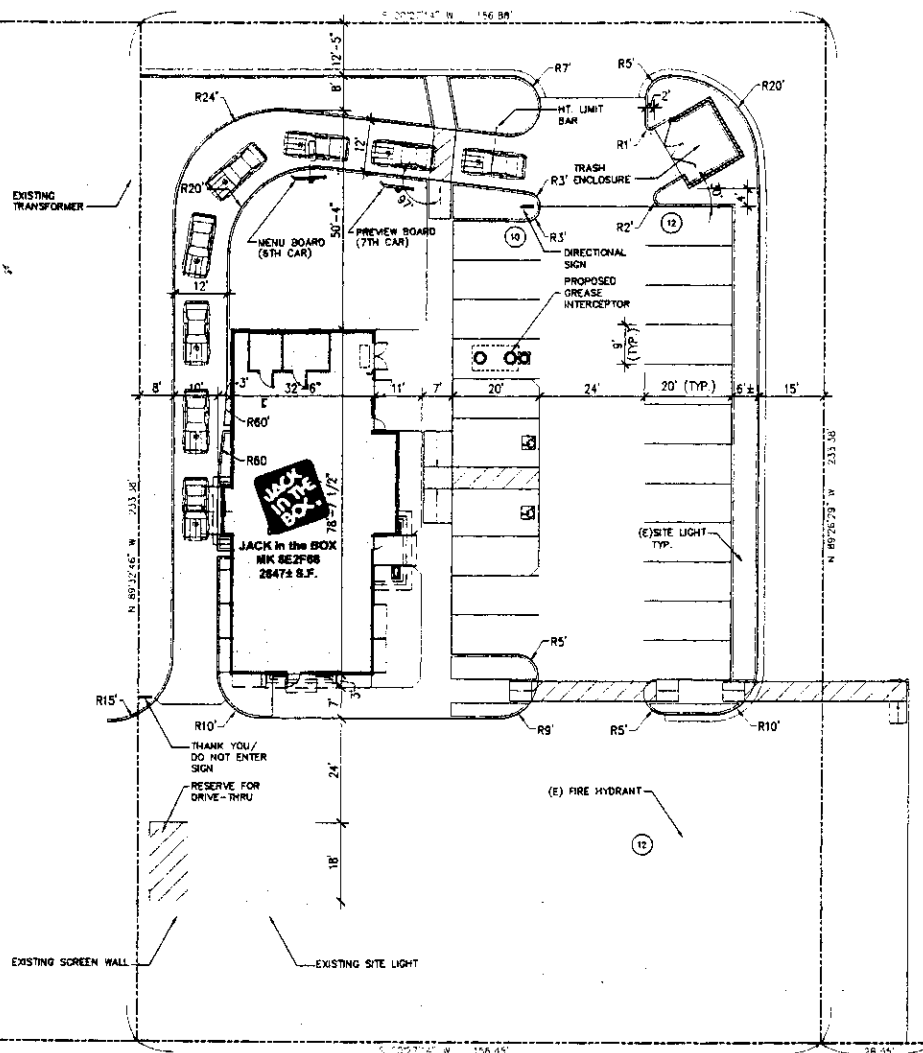


site information

MK TYPE: 8E2F68
JB #: 1536
ADDRESS:
ESTRELLA & VAN BUREN
GOODYEAR, AZ
DRAWN BY: LWA# JB0319
SCALE: AS NOTED

SITE PLAN

SD1.0



TRELLA

PARKWAY

Submittal: 2nd

Date: 3-19-04

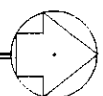
U-1-04

SITE NOTES:

1. ALL SIGNAGE IS CONCEPTUAL AND WILL REQUIRE A SEPARATE REVIEW AND APPROVAL.
2. ALL SURROUNDING DRIVES AND DRIVE AISLES WILL NEED TO BE COMPLETED AND OPEN TO THE PUBLIC PRIOR TO A CERTIFICATE OF OCCUPANCY FOR THE JACK IN THE BOX.

SITE PLAN

SCALE: 1" = 20'



Ordinance adopted May 24, 1999, as amended from time to time, to establish definitions, use criteria, and development standards for Large Retail Users.

Applicant: City of Goodyear

1. Open Public Hearing
2. Staff Presentation
3. Public Comments
4. Close Public Hearing
5. Commission Action

Recommendation: Staff recommends continuance to the May 19, 2004 meeting.

Mr. Careccia summarized the staff report. Staff is recommending continuing this case to the May 19, 2004 Commission meeting. Work is progressing. Two meetings were held with Valley Partnerships on March 26 and April 6, 2004.

Chairman Horsman asked if there were any public comments. Mr. Krauss asked if the Commission wanted an overall briefing of where we are. Mr. Careccia said points that are still under discussion include who/what is covered under this language, building setbacks from residential neighborhoods, requirements for alternative parking areas, and parking pods of 50 to 75 spaces.

Chairman Horsman asked if there were further questions. Hearing none, he closed the public hearing.

Mr. de Broekert moved to continue Case ZT-01-04 to the May 19, 2004 Commission meeting. **Mr. Laux** seconded the motion. The motion carried by a vote of 7 to 0.

New Business

- A. Case U-01-04, Jack In the Box** – Request approval of a Use Permit for a Jack in the Box drive-through restaurant generally located on 0.8 acres at the Safeway at Canyon Trails Center on the northwest corner of Van Buren Street and Estrella Parkway.

Applicant: Lyons, Warren & Associates

1. Open Public Hearing
2. Staff Presentation
3. Public Comments
4. Close Public Hearing
5. Commission Action

Recommendation: Staff recommends approval of a Use Permit for a Jack in the Box drive-through restaurant generally located on 0.8 acres at the Safeway at Canyon Trails Center on the northwest corner of Van Buren Street and Estrella Parkway, subject to stipulations.

Mr. Careccia summarized the staff report with a Power Point presentation. This project is zoned PAD and is part of the Safeway at Canyon Trails development. It is located on pad E in the Safeway Center. It is consistent with the master site plan and compatible with other uses. A Neighborhood Meeting was held. No residents attended and there have been no inquiries on project.

Ms. Osborne said doors that are located right in front of a drive through can be dangerous to our citizens. She said that this plan does not look like it has that problem.

Ms. Timko asked if Safeway has a curfew for truck deliveries. Mr. Krauss said they do not. Staff will be drafting an ordinance to deal with this on a City-wide basis. **Ms. Timko** asked how the trucks will enter the project. John Sutherland, Jack in the Box Restaurants, 4239 S. 43rd Place, Phoenix, showed the truck route on the master site plan from I-10 to Estrella Parkway. They will not be going behind the Safeway near the residential area.

Chairman Horsman asked if there were further comments or questions. Hearing none, he closed the public hearing.

Ms. Osborne moved to approve Case U-01-04. **Ms. Timko** seconded the motion. The motion carried by a vote of 7 to 0.

- B. Case Z-08-04, Palm Valley Office Condos – Request to amend Ordinance No. 01-751 to reduce the west side building/landscape setback on 140th Drive from 30 feet to 20 feet for the project generally located on 9.18 acres at the northwest corner of Litchfield and Thomas Roads.**
Applicant: SunCor Development Company

1. Open Public Hearing
2. Staff Presentation
3. Public Comments
4. Close Public Hearing
5. Commission Action

Recommendation: Staff recommends approval to amend Ordinance No. 01-751 to reduce the west side building/landscape setback on 140th Drive from 30 feet to 20 feet for the project generally located on 9.18 acres at the northwest corner of Litchfield and Thomas Roads, subject to stipulations.

Mr. Burningham summarized the staff report. Staff recommends adding Stipulation #33 to allow for a 20 foot rear street side set back on the 9.18 acre parcel. Land uses for these